

Panaji, 4th March, 1977 (Phalguna 13, 1898)

SERIES I No. 49

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

#### Notification

3-17-74-SPL

Read: Govt. order No. SPL-EST/1265(10) dated 31st May 1973.

In exercise of the powers vested in him under Rule 4 sub-rule (2) of the Goa, Daman and Diu Civil Service Rules 1967 read with rule 2 clause (a) thereof, the Administrator of Goa, Daman and Diu is pleased to declare the post of Commissioner, Labour and Employment in the scale of Rs. 1100-50-1600 as a temporary 'duty post' of the said service for the purpose of recruitment thereto.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Personnel).

Panaji, 24th February, 1977.

Rural Development Department

#### ORDER

2-10/71/FCS-CS

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Notification of the Government of India in the Ministry of Agriculture (Department of Food) G.S.R. No. 316(E) dated 20th June, 1972 and with the prior approval of the Central Government, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following Order, so as to further amend the Goa, Daman and Diu Controlled Commodities (Regulation of Distribution) Order, 1966 (hereinafter called the "principal Order"), namely:—

In the Schedule appended to the principal Order, —

- (i) item 2 A shall be deleted;
- (ii) after item 6, the following shall be inserted, namely, —

"7. Wheat (not including its products)."

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Revenue).

Panaji, 21st February, 1977.

#### Notification

1-31/VPT/Bifurcation/76/RDD

In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (9 of 1962) read with the Government Notification No. CDP/VPT/685/65 dated 16th May, 1966, and after consulting the concerned Village Panchayat, I, W. Shaiza, Development Commissioner to the Government of Goa, Daman and Diu hereby exclude the areas shown in column 3 of the Schedule appended hereto from the limits of the Village specified in column 2 thereof with immediate effect.

#### SCHEDULE

1. Sr. No.	2. Name of the Village	3. Areas excluded
1.	Colem.	1. Satpal. 2. Cansaulim. 3. Gavliwado. 4. Barketem. 5. Bondumol. 6. Duklem. 7. Zarishet. 8. Molem. 9. Zamboli. 10. Dhat. 11. Sangod. 12. Vadamol. 13. Makadyem. 14. Kajumol. 15. Caryamol. 16. Poleskato. 17. Maissal.

W. Shaiza, Development Commissioner.

Panaji, 19th February, 1977.

#### Notification

1-31/VPT/Bifurcation/76-77/RDD

In exercise of the powers conferred by sub-section (1) of section 3 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (9 of 1962) read with the Government notification No. CDP/VPT/685/65 dated 16th May, 1966, I, W. Shaiza, Development Commissioner to the Government of Goa, Daman and Diu hereby declare local areas specified in column 3 of the Schedule appended hereto to be a Village with the name specified in column 2 thereof for the purposes of the said Regulation.

## SCHEDULE

1 Sr. No.	2 Name of the Village	3 Local Areas
1.	Molem	1. Satpai. 2. Cansaulim. 3. Gavliwado. 4. Barketem. 5. Bondumol. 6. Duklem. 7. Zarishet. 8. Molem. 9. Zamboli. 10. Dhat. 11. Sangod. 12. Vadamol. 13. Makadyem. 14. Kajumol. 15. Caryamol. 16. Poleskato. 17. Maissal.

W. Shaiza, Development Commissioner.

Panaji, 1st March, 1977.

## Notification

1-31/VPT/Bifurcation/76-77/RDD

In exercise of the powers conferred by sub-section (2) of section 3 of the Village Panchayats Regulation, 1962, (9 of 1962) read with the Government notification No. CDP/VPT/685/65 dated 16th May, 1966, I, W. Shaiza, Development Commissioner to the Government of Goa, Daman and Diu hereby appoint with effect from the fourth day of March, 1977 a village Panchayat for the village specified in column 2 of the Schedule appended hereto comprising the local area specified in the corresponding entry in column 3 thereof.

## SCHEDULE

1 Sr. No.	2 Name of the Village	3 Local Areas
1.	Molem	1. Satpai. 2. Cansaulim. 3. Gavliwado. 4. Barketem. 5. Bondumol. 6. Duklem. 7. Zarishet. 8. Molem. 9. Zamboli. 10. Dhat. 11. Sangod. 12. Vadamol. 13. Makadyem. 14. Kajumol. 15. Caryamol. 16. Poleskato. 17. Maissal.

W. Shaiza, Development Commissioner.

Panaji, 1st March, 1977.

Law and Judiciary Department

## Notification

LD/6015/VII/76

The following Central Acts (1) The Representation of the People (Amendment) Act, 1976 (88 of 1976); (2) The Indian Iron and Steel Company (Acquisition of Shares) Act, 1976 (89 of 1976) and

(3) The Essential Commodities (Amendment) Act, 1976 (92 of 1976) which were recently passed by the Parliament and assented to by the President of India on 2-9-1976 and published in the Gazette of India Part II, Section I dated 3-9-1976 are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 21st December, 1976.

## The Representation of the People (Amendment) Act, 1976

AN

ACT

further to amend the Representation of the People Act, 1950.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Representation of the People (Amendment) Act, 1976.

2. *Amendment of section 4.*—For sub-section (5) of section 4 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely:—

48 of 1950

“(5) Save as provided in sub-section (4), the extent of all parliamentary constituencies except the parliamentary constituencies in the Union territory of Arunachal Pradesh shall be as determined by the orders of the Delimitation Commission made under the provisions of the Delimitation Act, 1972 and the extent of the parliamentary constituencies in the Union territory of Arunachal Pradesh shall be as determined by the order of the Election Commission under the provisions of the Election Commission under the provisions of the Government of Union Territories Act, 1963.”.

76 of 1972

20 of 1963

3. *Amendment of section 7.*—For sub-section (3) of section 7 of the principal Act, the following sub-section shall be substituted, namely:—

“(3) Subject to the provisions of sub-section (3) of section 7A, the extent of each assembly constituency in all the States and Union territories except the assembly constituencies in the Union territory of Arunachal Pradesh shall be as determined by the orders of the Delimitation Commission made under the provisions of the Delimitation Act, 1972 and the extent of each assembly constituency in the Union territory of Arunachal Pradesh shall be as determined by the order of the Election Commission made under the provisions of the Government of Union Territories Act, 1963.”.

76 of 1972

20 of 1963

4. *Amendment of section 8.*—In section 8 of the principal Act, —

(i) in sub-section (1), for the words and figures "the Delimitation of Parliamentary and Assembly Constituencies Order, 1966", the words and figures "the Delimitation of Parliamentary and Assembly Constituencies Order, 1976" shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The consolidation under sub-section (1) of the orders referred to in sub-section (5) of section 4 or, as the case may be, sub-section (3) of section 7 shall not, as provided in sub-section (5) of section 10 of the Delimitation Act, 1972, affect the representation in, and the territorial constituencies of, the House of the People or the Legislative Assembly of the State existing on the date of publication in the Gazette of India of any such order or orders as may be relevant."

76 of 1972

5. *Amendment of section 9.*—In clause (a) of sub-section (1) of section 9 of the principal Act, for the words and figures "the Delimitation of Parliamentary and Assembly Constituencies Order, 1966", the words and figures "the Delimitation of

Parliamentary and Assembly Constituencies Order, 1966, or, as the case may be, the Delimitation of Parliamentary and Assembly Constituencies Order, 1976" shall be substituted.

6. *Amendment of section 28.*—For sub-section (3) of section 28 of the principal Act, the following sub-section shall be substituted, namely:—

"(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

7. *Substitution of new Schedules for the First Schedule and the Second Schedule.*—For the First Schedule and the Second Schedule to the principal Act, the following Schedules shall be substituted, namely:—

#### "THE FIRST SCHEDULE

(See section 3)

#### *Allocation of seats in the House of the People*

Name of the State/Union territory	Number of seats in the House as constituted on 1-1-1973			Number of seats in the House as subsequently constituted		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7
<b>I. STATES :</b>						
1. Andhra Pradesh ... ..	41	6	2	42	6	2
2. Assam ... ..	14	1	2	14	1	2
3. Bihar ... ..	53	7	5	54	8	5
4. Gujarat ... ..	24	2	3	26	2	4
5. Haryana ... ..	9	2	..	10	2	..
6. Himachal Pradesh ... ..	4	1	..	4	1	..
7. Jammu and Kashmir ... ..	6	..	..	6	..	..
8. Karnataka ... ..	27	4	..	28	4	..
9. Kerala ... ..	19	2	..	20	2	..
10. Madhya Pradesh ... ..	37	5	8	40	5	8
11. Maharashtra ... ..	45	3	3	48	3	3
12. Manipur ... ..	2	..	1	2	..	1
13. Meghalaya ... ..	2	..	2	2	..	..
14. Nagaland ... ..	1	..	..	1	..	..
15. Orissa ... ..	20	3	5	21	3	5
16. Punjab ... ..	13	3	..	13	3	..
17. Rajasthan ... ..	23	4	3	25	4	3
18. Sikkim ... ..	..	..	..	1	..	..
19. Tamil Nadu ... ..	39	7	..	39	7	..
20. Tripura ... ..	2	..	1	2	..	1
21. Uttar Pradesh ... ..	85	18	..	85	18	..
22. West Bengal ... ..	40	8	2	42	8	2

Name of the State/Union territory	Number of seats in the House as constituted on 1-1-1973			Number of seats in the House as subsequently constituted		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7
<b>II. UNION TERRITORIES :</b>						
1. Andaman and Nicobar Islands ... ..	1	..	..	1	..	..
2. Arunachal Pradesh ... ..	1	..	1	2	..	..
3. Chandigarh ... ..	1	..	..	1	..	..
4. Dadra and Nagar Haveli ... ..	1	..	1	1	..	1
5. Delhi ... ..	7	1	..	7	1	..
6. Goa, Daman and Diu ... ..	2	..	..	2	..	..
7. Lakshadweep ... ..	1	..	1	1	..	1
8. Mizoram ... ..	1	..	1	1	..	..
9. Pondicherry ... ..	1	..	..	1	..	..
<b>Total ... ..</b>	<b>522</b>	<b>77</b>	<b>41</b>	<b>542</b>	<b>78</b>	<b>38</b>

## THE SECOND SCHEDULE

(See sections 7 and 7A)

## Total number of seats in the Legislative Assemblies

Name of the State/Union territory	Number of seats in the Legislative Assembly as constituted on 1-1-1973			Number of seats in the Legislative Assembly as subsequently constituted		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7
<b>I. STATES :</b>						
1. Andhra Pradesh ... ..	287	40	11	294	39	11
2. Assam ... ..	114	8	10	126	8	16
3. Bihar ... ..	318	45	29	324	46	28
4. Gujarat ... ..	168	11	22	182	12	25
5. Haryana ... ..	81	15	..	90	17	..
6. Himachal Pradesh ... ..	68	16	3	68	15	3
7. Jammu and Kashmir*	..	..	..	..	..	..
8. Karnataka ... ..	216	29	2	224	29	2
9. Kerala ... ..	133	11	2	140	12	2
10. Madhya Pradesh ... ..	296	39	61	320	42	64
11. Maharashtra ... ..	270	15	16	288	17	17
12. Manipur ... ..	60	1	19	60	1	19
13. Meghalaya ... ..	60	..	50	60	..	..
14. Nagaland ... ..	52	..	..	60	..	..
15. Orissa ... ..	140	22	34	147	22	34
16. Punjab ... ..	104	23	..	117	29	..
17. Rajasthan ... ..	184	31	21	200	32	24
18. Sikkim ... ..	..	..	..	32	1	1**
19. Tamil Nadu ... ..	234	42	2	234	42	2
20. Tripura ... ..	60	6	19	60	7	17
21. Uttar Pradesh ... ..	425	89	..	425	69	1
22. West Bengal ... ..	280	55	16	294	59	17

\* Under the Constitution of Jammu and Kashmir, the number of seats in the Legislative Assembly of that State excluding the 24 seats earmarked for Pakistan-occupied territory is 76 out of which 6 seats have been reserved for the Scheduled Castes in pursuance of the Jammu and Kashmir Representation of the People Act, 1957.

\*\* Reserved for Sanghas.

Name of the State/Union territory	Number of seats in the Legislative Assembly as constituted on 1-1-1973			Number of seats in the Legislative Assembly as subsequently constituted		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7
<b>II. UNION TERRITORIES :</b>						
1. Arunachal Pradesh	..	..	..	30	..	..
2. Goa, Daman and Diu	30	..	..	30	..	..
3. Mizoram	30	..	..	30	..	..
4. Pondicherry	30	5	..	30	5	..

### The Indian Iron and Steel Company (Acquisition of Shares) Act, 1976

#### AN ACT

*to provide for the acquisition of certain shares of the Indian Iron and Steel Company Limited with a view to securing the proper management of the affairs of the Company and the continuity and development of the production of goods which are vital to the needs of the country and for matters connected therewith or incidental thereto.*

Whereas the management of the undertaking of the Indian Iron and Steel Company Limited was taken over by the Central Government for a limited period under the Indian Iron and Steel Company (Taking Over of Management) Act, 1972, in order to secure the proper management of such undertaking;

And whereas the top management of the Company was guilty of mismanagement of the affairs of the Company and restoration, after the expiry of the limited period aforesaid, of the management of the affairs of the Company to such top management would be prejudicial to the interests of the Company and to the public interest;

And whereas investment of a large amount is necessary for the maintenance and development of the production of the undertaking of the Company;

And whereas acquisition by the Central Government of an effective control over the affairs of the Company is necessary to enable it to make the investment aforesaid;

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: —

#### CHAPTER I

##### Preliminary

1. *Short title and commencement.* — (1) This Act may be called the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976.

(2) It shall be deemed to have come into force on the 17th day of July, 1976.

2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) "appointed day" means the 17th day of July, 1976;

(b) "bank" means a banking company within the meaning of the Banking Regulation Act, 1949;

(c) "Company" means the Indian Iron and Steel Company Limited, being a company within the meaning of the Companies Act, 1956, and having its registered office at IISCO House, 50, Chowringhee Road, Calcutta;

(d) "Commissioner" means the Commissioner of Payments appointed under section 5;

(e) "notification" means a notification published in the Official Gazette;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "share" means a share, whether equity or preference, in the capital of the Company, and includes a share pledged by any shareholder with any bank or other creditor, but does not include any share in the capital of the Company held by —

(i) any State Government;

(ii) the State Bank of India, established under section 3 of the State Bank of India Act, 1955 and its subsidiary banks;

(iii) the Steel Authority of India Limited, a company formed and registered under the Companies Act, 1956, and having its registered office at Hindustan Times House, Kasturba Gandhi Marg, New Delhi;

(iv) the Life Insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956;

(v) the Unit Trust of India, established under section 3 of the Unit Trust of India Act, 1963;

(vi) any corresponding new bank, within the meaning of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(vii) any general insurance company nationalised by the General Insurance Business (Nationalisation) Act, 1972;

(h) "shareholder" means a person, who, immediately before the appointed day, was registered by the Company as the holder of any share;

(i) "specified date" means such date as the Central Government may, for the purpose of any provision of this Act, by notification, specify.

## CHAPTER II

### Acquisition of the shares of the Company

3. *Transfer and vesting of shares of the Company in the Central Government.*—(1) On the appointed day, all the shares of the Company shall, by virtue of this Act, stand transferred to, and vested in, the Central Government.

(2) The Central Government shall be deemed, on and from the appointed day, to have been registered in the Register of members of the Company as the holder of each share which stands transferred to, and vested in, it by virtue of the provisions of sub-section (1).

(3) All the shares which have vested in the Central Government under sub-section (1), shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges, liens and other incumbrances affecting them, and any attachment, injunction or any decree or order of the court, tribunal or other authority restricting the use of such shares in any manner, shall be deemed to have been withdrawn.

(4) For the removal of doubts, it is hereby declared that the provisions of sub-sections (1) and (2) shall not be deemed to affect—

(a) any right of the Company subsisting, immediately before the appointed day, against any shareholder to recover from such shareholder any sum of money on the ground that the shareholder has not paid or credited to the Company the whole or any part of the value of the shares held by him, or on any other ground whatsoever; or

(b) any right of the shareholder subsisting, immediately before the appointed day, against the Company to receive any dividend or other payment due from the Company.

4. *Payment of amounts.*—(1) For the transfer to, and vesting in, the Central Government, under section 3, of the shares of the Company, there shall be given by the Central Government to the shareholders of the Company, in cash and in the manner specified in section 6, an amount of rupees seven crores, twenty-three lakhs, ninety-five thousand and one hundred and thirty-seven and fifteen paise.

(2) The amount, referred to in sub-section (1), shall carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

### 5. *Appointment of Commissioner of Payments.*—

(1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under section 4, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him

under this Act, and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act, and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

6. *Payment by the Central Government to the Commissioner.*—(1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the shareholders of the Company,—

(a) an amount equal to the amount specified in sub-section (1) of section 4; and

(b) an amount equal to the amount determined under sub-section (2) of section 4.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) The interest accruing on the amount standing to the credit of the deposit account, referred to in sub-section (2), shall enure to the benefit of the shareholders of the Company.

7. *Claims to be made to the Commissioner.*—(1) Every shareholder, having a claim in relation to any share acquired by this Act, shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

(2) Every shareholder of a preference share shall have a preferential claim with regard to the amount paid by the Central Government to the Commissioner.

8. *Examination of claims.*—On receipt of the claims made under section 7, the Commissioner shall separately arrange the claims in relation to preference shares and in relation to the equity shares and examine the claims in relation to each such share.

9. *Admission or rejection of claims.*—(1) After examining the claims, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the disbursements made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and in one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to

file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant, who fails to file the proof of his claim within the time specified by the Commissioner, shall be excluded from the disbursement made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary, and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely: —

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purposes of section 345 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(7) A claimant, who is dissatisfied with the decision of the Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated.

10. *Disbursement of money by the Commissioner to claimants.* — (1) After admitting a claim under this Act, the amount due in respect of each share acquired by virtue of this Act shall be paid by the Commissioner at the rate of rupees thirty-two and paise seventy-five per preference share, and at the rate of rupees four and paise seventy per equity share to the person or persons to whom such sums are due, and on such payment, the liability of the Central Government in respect of the share so acquired shall stand discharged.

(2) The Commissioner shall also apportion amongst the shareholders, the amount paid to him by way of interest under sub-section (3) of section 6, and such apportionment shall be made on the basis of the amount due to each shareholder.

11. *Undisbursed or unclaimed amount to be deposited to the general revenue account.* — Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the

last day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of revenue.

12. *Power of inspection.* — For the purposes of ascertaining whether any person claiming payment under this Act is a shareholder, the Commissioner shall have the right to —

(a) require any person, having the possession, custody or control, of any register or record of the Company, to produce such register or record before the Commissioner,

(b) require any person to make any statement or furnish any information which may be required by the Commissioner.

### CHAPTER III

#### Miscellaneous

13. *Act to have overriding effect.* — The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any law, other than this Act, or in any instrument having effect by virtue of any law, other than this Act.

14. *Penalties.* — If any person, —

(a) makes any claim for any payment under this Act, knowing or having reason to believe that such claim is false or without any basis; or

(b) when required under this Act so to do, —

(i) omits or fails to produce any register or record of the Company; or

(ii) makes any statement or furnishes any information which is false in any material particular and which he knows or believes to be false or does not believe to be true; or

(c) makes any such statement as aforesaid in any book, account, record, register, return or other document,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

15. *Offences by companies.* — (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed with the consent or connivance of,



or is attributable to any neglect on the part of, any director, manager, secretary or other officer, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.* — For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

16. *Limitation of cognizance of offences.*—No court shall take cognizance of an offence punishable under this Act, except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

17. *Power to make rules.*—(1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. *Repeal and saving.*—The Indian Iron and Steel Company (Acquisition of Shares) Ordinance, 1976, is hereby 10 of 1976. repealed:

Provided that notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

## The Essential Commodities (Amendment) Act, 1976

AN  
ACT

*further to amend the Essential  
Commodities Act, 1955.*

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Essential Commodities (Amendment) Act, 1976.

2. *Amendment of section 2.*—In section 2 of the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), before clause (a), the following clause shall be inserted, namely:— 10 of 1955.

“(ia) “Collector” includes an Additional Collector and such other officer, not below the rank of

Sub-Divisional Officer, as may be authorised by the Collector to perform the functions and exercise the powers of the Collector under this Act;”.

3. *Amendment of section 3.*—In section 3 of the principal Act,—

(a) in sub-section (2),—

(i) for clause (f), the following clause shall be substituted, namely:—

“(f) for requiring any person holding in stock, or engaged in the production, or in the business of buying or selling, of any essential commodity,—

(a) to sell the whole or a specified part of the quantity held in stock or produced or received by him, or

(b) in the case of any such commodity which is likely to be produced or received by him, to sell the whole or a specified part of such commodity when produced or received by him,

to the Central Government or a State Government or to an officer or agent of such Government or to a Corporation owned or controlled by such Government or to such other person or class of persons and in such circumstances as may be specified in the order.

*Explanation 1.*—An order made under this clause in relation to foodgrains, edible oilseeds or edible oils, may, having regard to the estimated production, in the concerned area, of such foodgrains, edible oilseeds and edible oils, fix the quantity to be sold by the producers in such area and may also fix, or provide for the fixation of, such quantity on a graded basis, having regard to the aggregate of the area held by, or under the cultivation of, the producers.

*Explanation 2.*—For the purpose of this clause, “production” with its grammatical variations and cognate expressions includes manufacture of edible oils and sugar;”

(ii) in clause (j), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) of any books of accounts and documents which in the opinion of such person, may be useful for or relevant to, any proceeding under this Act and the person from whose custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extracts therefrom in the presence of an officer having the custody of such books of accounts or documents.”;

(b) for sub-section (3B), the following sub-section shall be substituted, namely:—

“(3B) Where any person is required, by an order made with reference to clause (f) of sub-section (2), to sell to the Central Government or a State Government or to an officer or agent of such Government or to a Corporation owned or controlled by such Government, any grade or variety of foodgrains, edible oilseeds or edible



oils in relation to which no notification has been issued under sub-section (3A), or such notification having been issued, has ceased to be in force, there shall be paid to the person concerned, notwithstanding anything to the contrary contained in sub-section (3), an amount equal to the procurement price of such foodgrains, edible oilseeds or edible oils, as the case may be, specified by the State Government, with the previous approval of the Central Government having regard to —

(a) the controlled price, if any, fixed under this section or by or under any other law for the time being in force for such grade or variety of foodgrains, edible oilseeds or edible oils;

(b) the general crop prospects;

(c) the need for making such grade or variety of foodgrains, edible oilseeds or edible oils available at reasonable prices to the consumers, particularly the vulnerable sections of the consumers; and

(d) the recommendations, if any, of the Agricultural Prices Commission with regard to the price of the concerned grade or variety of foodgrains, edible oilseeds or edible oils."

4. *Amendment of section 6A.* — Section 6A of the principal Act shall be re-numbered as sub-section (1) thereof and —

(a) in sub-section (1), as so re-numbered, —

(i) for the words "it may be produced, without any unreasonable delay, before", the words "a report of such seizure shall, without unreasonable delay, be made to" shall be substituted, and for the words "if satisfied", the words "may, if he thinks it expedient so to do, direct the essential commodity so seized to be produced for inspection before him, and if he is satisfied" shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely: —

"Provided further that in the case of any animal, vehicle, vessel or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the marked price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyance."

(b) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely: —

"(2) Where the Collector, on receiving a report of seizure or on inspection of any essential commodity under sub-section (1), is of the opinion that the essential commodity is subject to speedy and natural decay or it is otherwise expedient in the public interest so to do, he may —

(i) order the same to be sold at the controlled price, if any, fixed for such essential commodity under this Act or under any other law for the time being in force; or

(ii) where no such price is fixed, order the same to be sold by public auction:

Provided that in case of foodgrains, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price fixed by the Central Government or by the State Government, as the case may be, for the retail sale of such foodgrains to the public.

(3) Where any essential commodity is sold, as aforesaid, the sale proceeds thereof, after deduction of the expenses of any such sale or auction or other incidental expenses relating thereto, shall —

(a) where no order of confiscation is ultimately passed by the Collector,

(b) where an order passed on appeal under sub-section (1) of section 6C so requires, or

(c) where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under this section, the person concerned is acquitted, be paid to the owner thereof or the person from it is seized."

5. *Amendment of section 6B.* — In section 6B of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

"(3) No order confiscating any essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance shall be invalid merely by reason of any defect or irregularity in the notice given under clause (a) of sub-section (1), if, in giving such notice, the provisions of that clause have been substantially complied with."

6. *Amendment of section 6C.* — In section 6C of the principal Act, in sub-section (2), for the words "such person shall be paid", the words, brackets, figures and letter "such person shall, except as provided by sub-section (3) of section 6A, be paid" shall be substituted.

7. *Insertion of new section 6E.* — After section 6D of the principal Act, the following section shall be inserted, namely: —

"6E. *Bar of jurisdiction in certain cases.* — Whenever any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, the Collector or, as the case may be, the judicial authority appointed under section 6C shall have, and, notwithstanding anything to the contrary contained in any other law for the time being in force, any other court, tribunal or authority shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal or distribution of such property."

8. *Insertion of new section 15A.* — After section 15 of the principal Act, the following section shall be inserted, namely: —

"15A. *Prosecution of public servants.* — Where any person who is a public servant is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his duty in pursuance of an order made under

section 3, no court shall take cognizance of such offence except with the previous sanction —

(a) of the Central Government, in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the Union;

(b) of the State Government, in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the State.”

9. *Validation of certain orders.* — Notwithstanding any judgment, decree or order of any court, —

(a) every order made, or purporting to have been made, before the commencement of this Act, by the Central Government or any State Government under clause (f) of sub-section (2) of section 3 of the principal Act in relation to foodgrains, edible oilseeds or edible oil and every act done before such commencement under or in relation to such order, shall be as valid and effective as if the said clause (f) as substituted by this Act had been in force at all material times and the said order had been made thereunder;

(b) every payment, or offer of payment, of price of such foodgrains, edible oilseeds or edible oils made before the commencement of this Act, shall be deemed to have been made in accordance with law, if —

(i) the price so paid, or offered to be paid, had been fixed having regard to the factors specified in sub-section (3B) of section 3 of the principal Act as substituted by this Act; and

(ii) in the case of payment, or offer of payment, by a State Government, such payment or offer of payment had been made after consultation with the Central Government:

Provided that notwithstanding the retrospective operation of this section, no contravention of, or failure to comply with, any provisions of the Essential Commodities Act, 1955, as amended by this Act, shall render any person guilty of any

offence punishable under the Essential Commodities Act, 1955, if such contravention or failure had occurred before the commencement of this Act.

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